

**NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE
DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL**

NOTICE IS HEREBY GIVEN that the Department of Justice, Office of the Attorney General, pursuant to the authority set forth in section 87306 of the Government Code, proposes amendments to its conflict of interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306, of the Government Code.

The Political Reform Act (Gov. Code, § 81000 et seq.) requires each government agency to adopt a conflict of interest code, and agency personnel covered by the code to periodically file a financial disclosure statement known as a statement of economic interests. (See Gov. Code, §§ 87300 and 87302.) Among other things, an agency’s conflict of interest code must enumerate employee positions with the agency that involve the making of or participation in the making of decisions that may foreseeably have a material financial effect on any economic interest of the employee and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are required to be disclosed on the statement of economic interests. (Gov. Code, § 87302.)

The Department of Justice, Office of the Attorney General proposes to amend its conflict of interest code due to the creation of new employee positions and the reorganization of existing employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The amendments are as follows:

1. Description of Executive Office and Programs Positions

Several Executive Office positions are designated as “Exempt Appointments or Career Executive Appointments.” At the request of the Fair Political Practices Commission, the amended code separately designates these positions by their current job titles for ease of reference, including:

- Chief of Staff
- Director of the Office of Equal Employment Rights and Resolutions
- Director of Communications

In order to reflect the current organizational structure of the Department, the amended code renames the designated positions “Assistant Attorney General in charge of the Legislative Affairs Unit and the advocates who work under this position” to the “Director in charge of the Legislative Affairs Unit and the advocates who work under this position.” It also renames the designated positions of “Assistant Attorney General in charge of the Opinion Unit and the deputies who work

under this position” to “Solicitor General and the attorneys, including those in the Opinion Unit, who work under this position.”

2. Designated Positions in the E-Crime Unit

The amended code designates new positions within the E-Crime Unit under the Division of Criminal Law, based upon their ability to affect specified financial interests. It tailors the disclosure obligations for these employees under newly-created disclosure category 15 to include any interest in or income from financial institutions and business entities that engage in the manufacture, marketing, sale, or distribution of information technology or entertainment products. These new positions are:

- Deputy Attorneys General, Deputy Attorneys General III, IV, and Supervising Deputy Attorneys General in the E-Crime Unit
- Director of Privacy Education and Policy
- All auditors in the E-Crime Unit

3. Other Newly Designated Positions

The amended code adds the positions of “all auditors” in the Tobacco Litigation and Enforcement Section in the Division of Public Rights, subject to disclosure category 11.

The amended code adds the position of “Special Agent Supervisor in charge of the Facilities Protection Unit” in the Division of Law Enforcement, subject to disclosure category 14.

The amended code adds the position of “All other employees that make, participate in the making, or use their official position to influence the making of governmental decisions as a member of the special team or task force,” subject to disclosure category 10.

4. Changes in the Department’s Organizational Structure

The amended code adds the position of “Deputy Attorneys General, Deputy Attorneys General III, IV, and Supervising Deputy Attorneys General in the Labor Relations Unit” in the Division of Administrative Support to reflect an organizational change in the Department.

The amended code adds the positions of “Staff Services Managers I, II, and III” to the Division of California Justice Information Services to reflect the transfer of these positions and their incumbent employees from the Division of Law Enforcement.

The amended code changes the designated position of “All auditors in the Registry of Charitable Trusts” to “All auditors in Charitable Trusts Section” in the Division of Public Rights to ensure that all auditors in the Charitable Trusts Section are designated.

The amended code deletes certain positions that are vacant and will not be utilized in the future. Those positions are:

- Department of Justice Administrators II and III, Executive Office and Programs
- All auditors in the Business and Tax Section, Division of Civil Law
- Crime Prevention Specialists or Crime Prevention Program Supervisors who are regularly assigned tasks involving the development, review, or award of bids/contracts, Division of Criminal Law (these functions have been transferred to the Division of Administrative Support)
- Department of Justice Administrators I, II, and III, Division of Administrative Support
- Senior Information Systems Analyst (Spec.), Division of Administrative Support
- Criminalist Managers, Division of Administrative Support
- Deputy Attorneys General, Deputy Attorneys General III, IV, and Supervising Deputy Attorneys General, Division of Law Enforcement, Bureau of Firearms

The amended code deletes the positions of Senior Assistant Attorneys General in the Divisions of Civil Law, Criminal Law, and Public Rights because those positions are duplicative of the Senior Assistant Attorneys General positions designated in the Executive Office and Programs.

The amended code also makes other technical changes to reflect the current organizational structure of the Department.

5. Changes to Disclosure Categories

The amended code deletes two disclosure categories, 15 and 16, which have no current assigned employees. It creates a new disclosure category 15, which requires the newly designated positions in the E-Crime Unit to disclose their interests in financial institutions and business entities that engage in the manufacture, marketing, sale, or distribution of information technology or entertainment products. Finally, it renumbers disclosure category 19 to 12, because 12 was deleted and otherwise vacant, and it renumbers disclosure category 18 to 16, because 16 was deleted and otherwise vacant.

6. Format Changes

This code also includes a variety of changes requested by the FPPC to conform with its latest format standards for conflict of interest codes. This includes the removal of consultants from category 10 and its use of an explanatory asterisk to define the disclosure obligations of consultants.

Copies of the proposed amendments and the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments or contentions relating to proposed amendments by submitting them in writing no later than November 18, 2013, 4:30 p.m., or at the conclusion of the public hearing, if one is requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 4:30 p.m., November 4, 2013 by contacting the Contact Person set forth below. If a public hearing is requested, it will be held on November 19, 2013 at 10:00 a.m. at the Office of the Attorney General, 1300 I Street, Sacramento, California.

After completion of the written comment period/hearing, the Department of Justice, Office of the Attorney General may adopt the proposed amendments if they remain substantially the same as described in the text originally made available to the public. The Department of Justice, Office of the Attorney General may make changes to the proposed amendments prior to their adoption so long as the text of any modified amendment is made available to the public at least 15 days before the Department of Justice, Office of the Attorney General adopts the amendments. A request for the modified text should be made to the Contact Person set forth below. The Department of Justice, Office of the Attorney General will accept written comments on the modified amendments, addressed to the Contact Person set forth below, for 15 days after the date on which the text of any modified amendments is made available.

The Department of Justice, Office of the Attorney General has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statement of Reasons and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Justice, Office of the Attorney General has determined that the proposed amendments:

- (1) Impose no mandate on local agencies or school districts.
- (2) Impose no costs or savings on any state agency.
- (3) Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- (4) Will not result in any nondiscretionary costs or savings to local agencies.

- (5) Will not result in any costs or savings in federal funding to the state.
- (6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Justice, Office of the Attorney General must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

Contact Person: All inquiries concerning this proposed amendment and any communications required by this notice should be directed to:

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